

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Filed 9/8/11  
Clerk, U. S. District Court  
Western District of Texas  
By XF  
Deputy

UNITED STATES OF AMERICA

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§

v.

No. 1:11-CR-360-SS

NICKOLAS ESTRADA (6)

**UNITED STATES' FACTUAL BASIS AT REARRAIGNMENT**

The United States of America files the government's factual summary for purposes of the Defendant's arraignment and guilty plea.

If this case were called to trial on the merits, the government is prepared to prove the following beyond a reasonable doubt:

Between April 1, 2009, and July 14, 2011, Nickolas Estrada conspired with Ruben Flores, Michael Morin, Patrick Cruz, Daniel Gonzales, Ernest Lopez, Edward Zuniga, Michael Martinez, Domingo Mendieta, Arnulfo Perez-Torres, Juan Manuel Pierce, David Romo, Luis Salazar, David Samarripa, David Torres, Jose Placencia, and others to possess with intent to distribute one kilogram or more of heroin. Estrada was a member of the drug trafficking organization headed by Texas Mexican Mafia (TMM) Captain Ruben Flores.

During the course of the conspiracy, FBI officers were involved in wire intercepts targeting various members of the Flores drug trafficking organization. Estrada was intercepted discussing the distribution of heroin with different members of the conspiracy. Specifically, on June 29, 2011, at 5:05 p.m., Estrada called Morin and asked about the availability of heroin. Estrada, in a recorded call, asked, "How's the *jale* (stuff)?" Morin said, "I still got the same....nothing new...before they were doubling and now just you and another complain."

Estrada asked, "They are doubling it?" Morin replied, "In Seguin." Estrada stated, "They must got a different kind." Morin said, "Nah, the same kind that you got." Estrada replied, "Well let me tell this dude that you still have the same and if he wants it, I can call him soon." Morin asked, "And the money? Where's the money?" Estrada said, "Oh, I got it. I ain't got all of it, but I got most of it. I'm still getting it. That's why I wanted to know if you were gonna have something different." In this conversation, Estrada complained about the quality of the heroin that Morin had provided him, and Morin said that the TMM members in Seguin were able to double the amount of heroin with adulterants and still sell it for a profit ("they were doubling it...in Seguin"). Estrada reported that he almost had all the money he owed the TMM and Morin from the sale of previously provided heroin.

On April 27, 2011, agents intercepted a telephone conversation between Ruben Flores and Morin. During this recorded conversation, Flores and Morin discussed selling heroin balloons for \$375. They discussed the difference between the big balloons of heroin sold by Estrada, and the smaller balloons of heroing they would sell for \$100. On April 29, 2011, Estrada reported that he had obtained money for Morin from the sale of the heroin balloons.

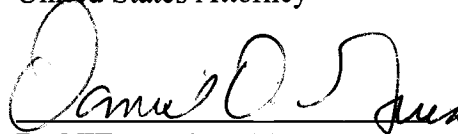
During the execution of the search and arrest warrants in this case, officers seized approximately one kilogram of heroin from the home of Ruben Flores. This heroin was to be distributed among Estrada and other members of the conspiracy so that they could sell it to different customers. Agents seized approximately one gram of a mixture and substance containing a detectable amount of heroin from Estrada's residence following his arrest. Officers also seized a pistol from the residence. This pistol belonged to Estrada.

Based on his participation in the drug trafficking organization, Nickolas Estrada admits

that he is responsible for possessing with intent to distribute at least one kilogram of heroin as alleged in the indictment.

Respectfully submitted,

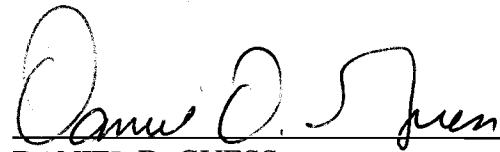
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CERTIFICATE OF SERVICE

I hereby certify that on September 8, 2011, a true and correct copy of this instrument was filed with the District Clerk and hand delivered to the Defendant's attorney of record, David Frank.



DANIEL D. GUESS  
Assistant United States Attorney